

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of Ruman et al. Art Unit 3761
Serial No. 10/038,796
Filed December 31, 2001
Confirmation No. 2941
For ABSORBENT ARTICLE WITH IMPROVED FASTENING SYSTEM AND
METHOD OF FASTENING THEREOF
Examiner Karin M. Reichle

June 6, 2006

REPLY BRIEF

This is a reply to the Examiner's Answer mailed April 26, 2006. Appellants' reply is being filed to respond to arguments made by the Examiner for the first time in the Examiner's Answer. Particularly, appellants take this opportunity to address some of the Examiner's comments set forth in the Response to Argument section (pages 6-9) of the Examiner's Answer.

Claim 25

In the Examiner's Answer, the Examiner cites for the first time column 9, lines 4-18 and Figs. 3-6 of U.S. Patent No. 5,693,401 (Sommers et al.) in support of her rejection of claim 25. See page 8 of the Examiner's Answer. However, these portions of Sommers et al. are as unsupportive of the Examiner's position as the other portions of Sommers et al. previously relied on by the Examiner. Particularly, nowhere within these newly cited passages (or elsewhere) do Sommers et al. disclose that the loop material is stretchable and/or contractible. Rather, Sommers et al. disclose that the strap can be stretched and contracted as a result of the stretching. Column 9, lines 4-18 of Sommers et al., for example, disclose the stretchability of the strap with respect to Fig. 3. Fig. 3 is an enlarged cross-section taken along a central portion of the strap that is free of the loop material as shown by

line 3-3 of Fig. 2. No portion of the loop component is shown in Fig. 3 or described at Column 9, lines 4-18. Accordingly, the Examiner statement that "col. 9, lines 4-18 of Sommers which teach stretching and contracting of the substrate and loop material of the component" (see page 8 of the Examiner's Answer) is unsupported by Sommers et al.

Rather, the cited passage teaches only that the strap is stretchable and says nothing regarding the loop material.

As a result, Sommers et al. fails to teach or suggest a step of contracting a loop component relative to a hook component to promote increased engagement between the fastening components at the engagement seam as recited in claim 25. For these additional reasons, claim 25 is patentable over Sommers et al.

Conclusion

In addition to the reasons set forth in appellants' Appeal Brief, the rejections of the claims on appeal are in error for the reasons set forth above. Therefore, appellants again request that the Examiner's rejections of claims 17-19, 25, 27, 30, and 31 be reversed.

Appellants do not believe that any fee is due. However, the Commissioner is hereby authorized to charge any deficiency or overpayment of any fees to Deposit Account No. 19-1345.

Respectfully submitted,



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